

ity of this subchapter. Section 535a of this title and section 129(a)(3) of title 23, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State.

(Pub. L. 92-434, § 9, Sept. 26, 1972, 86 Stat. 733.)

#### **§ 535g. Federal navigable waters and commerce jurisdiction unaffected**

Nothing in this subchapter shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable water or any interstate or foreign commerce.

(Pub. L. 92-434, § 10, Sept. 26, 1972, 86 Stat. 733.)

#### **§ 535h. Report of Secretary of Transportation's approval during fiscal year**

The Secretary of Transportation shall make a report of all approvals granted by him during the fiscal year pursuant to section 535c of this title in each annual report of the activities of the Department required by section 308(a) of title 49.

(Pub. L. 92-434, § 11, Sept. 26, 1972, 86 Stat. 733.)

#### **CODIFICATION**

“Section 308(a) of title 49” substituted in text for “section 11 of the Department of Transportation Act (49 U.S.C. 1658)” on authority of Pub. L. 97-449, § 6(b), Jan. 12, 1983, 96 Stat. 2443, the first section of which enacted subtitle I (§101 et seq.) of Title 49, Transportation.

#### **§ 535i. Reservation of right to alter or repeal**

The right to alter, amend, or repeal this subchapter is expressly reserved.

(Pub. L. 92-434, § 12, Sept. 26, 1972, 86 Stat. 733.)

### **CHAPTER 12—RIVER AND HARBOR IMPROVEMENTS GENERALLY**

#### **SUBCHAPTER I—GENERAL PROVISIONS**

Sec.		Sec.	
540.	Investigations and improvements; control by Department of the Army; wildlife conservation.	546a.	Information as to configuration of shore line.
540a.	Availability of appropriations for attendance by military personnel at meetings and for printing survey reports.	547.	Reports as to local benefits of improvement and recommendations as to local cooperation.
541.	Board of Engineers for Rivers and Harbors; establishment; duties and powers generally.	547a.	Inclusion of regional economic development benefits in economic analysis for purposes of computing economic justification of project.
542.	Review by Board of Engineers of reports on examinations and surveys and special reports.	548, 549.	Omitted or Repealed.
543.	Employment of civil engineers on western and northwestern rivers.	550.	Report on water terminal and transfer facilities.
544, 544a.	Repealed.	551.	Policy of Government as to terminal facilities for new projects.
544b.	Employment of physicians to examine employees; fee or employment basis; validation of prior agreements.	552.	Repealed.
544c.	Minority group participation in construction of the Tennessee-Tombigbee Waterway project; annual report to Congress.	553.	Freight statistics.
545.	Preliminary examinations and reports; surveys; contents of report to Congress generally.	554.	Duty of shipowners and officers to furnish information to person in local charge of improvement; penalty.
545a.	Discontinuance.	555.	Duty of shipowners and officers to furnish information required by Secretary of the Army.
546.	Investigation of stream flow and watersheds; surveys in connection with dams.	555a.	Petroleum product information. <ul style="list-style-type: none"> <li>(a) Disclosure to States.</li> <li>(b) Requests for disclosure.</li> <li>(c) Modes of disclosure.</li> <li>(d) Confidentiality of disclosed information.</li> <li>(e) Definitions.</li> <li>(f) Omitted.</li> </ul>
		556.	Printing reports generally.
		557.	Payment of costs of printing.
		557a.	Publication of pamphlets, maps, brochures, and other material.
		557b.	Sale of publications, charts, or other material; deposit of proceeds.
		558.	Proceeds from sale or transfer of property acquired.
		558a.	Repealed.
		558b.	Exchange of land or property.
		558b-1.	Application to authorized works of flood control.
		558c.	Rights-of-way over United States land.
		559.	Disposition of rentals for Government plants.
		560.	Contributions from private parties; return of excess.
		561.	Advances by private parties; repayment.
		561a.	Contributions from local interests; reduction to meet lowered cost.
		562.	Channel depths and dimensions defined.
		562a.	Project depths for national defense purposes; waterways for general commerce.
		563, 564.	Omitted or Repealed.
		565.	River and harbor improvement by private or municipal enterprise.
		566.	Improvement by or under authority of State of New Jersey.
		567.	Navigation and flood control improvements by Minnesota, North Dakota, and South Dakota.
		567a.	Flood and pollution control compacts between certain States.
		567b.	Pollution of Potomac drainage basin; control by State compacts.
		567b-1.	Amended compact.
		568.	Limitation on power of committee of Congress to consider projects.
		569.	Personal equipment for employees; use of funds for purpose.
		569a.	Temporary employment of experts or consultants; compensation.
		569b.	Contracts; architect and engineering services; surveying and mapping services.
		569c.	Services of volunteers.
		569d.	Safety award and promotional materials. <ul style="list-style-type: none"> <li>(a) Promotion of safety program.</li> <li>(b) Employee recognition.</li> <li>(c) Authorization of appropriations.</li> </ul>
		569e.	Use of private sector resources in surveying and mapping.

- Sec.  
569f. Debarment of persons convicted of fraudulent use of "Made in America" labels.
570. Default in contract; disposition of amounts collected.
571. Crediting reimbursements for lost, stolen, or damaged property.
572. Collection and removal of drift in Baltimore Harbor.
- 573, 574. Repealed or Omitted.
575. Availability of appropriations for expenses incident to operation of power boats or vessels; expenses defined; certification of expenditures.
576. Revolving fund; establishment; availability; reimbursement; transfer of funds; limitation.
- 576a. Purchase of passenger motor vehicles by Corps of Engineers.
- 576b. Lease authority.
577. Small river and harbor improvement projects.  
     (a) Allotment from appropriations for construction.  
     (b) Limitation on allotment.  
     (c) Lands, easements, and rights-of-way; indemnification; assurances of local cooperation.  
     (d) Sharing of costs by non-Federal interests.  
     (e) Completeness of project.  
     (f) Low water access navigation channels from existing channel of Mississippi River.
- 577a. Small-boat navigation projects; charter fishing craft.
- 577b. Cost of operation and maintenance of general navigation features of small boat harbor projects; applicable projects.
578. Disposal of surplus property for development of public port or industrial facilities.  
     (a) Conveyance by Secretary of the Army.  
     (b) Purchase price; conditions, reservations or restrictions.  
     (c) Notice of proposed conveyance.  
     (d) Delegation of authority.  
     (e) Deposit of proceeds.
579. Repealed.
- 579a. Project deauthorizations.  
     (a) Funds to be obligated for construction to avoid deauthorization.  
     (b) Transmission to Congress of list of unconstructed projects or separable elements authorized but not receiving obligations during 10 fiscal years preceding transmission; two-year updates of list.  
     (c) Deauthorized list; publication in Federal Register.

#### SUBCHAPTER II—PAY AND ALLOWANCES; TRAVELING EXPENSES AND SUBSISTENCE

581. Hiring special means of transportation.
582. Repealed.
583. Payment of allowances, etc., incident to change of station of Engineer officers from appropriation for improvements.
- 583a. Payment of pay and allowances of officers of Corps of Engineers from appropriation for improvements.
- 584, 584a. Repealed.

#### SUBCHAPTER III—ACQUISITION OF LAND AND MATERIALS

591. Condemnation, purchase, and donation of land and materials.
592. Condemnation of land in aid of person, company, corporation, municipal or private.
593. Condemnation of land in aid of State or State agency.

- Sec.  
594. When immediate possession of land may be taken.
595. Consideration of benefits in assessing compensation.
- 595a. Compensation for taking or condemnation of property for public improvements; fair market value; partial taking; effective date.
596. Repealed.
597. Acquisition of lands for water resource development projects; information as to probable timing for acquisition; public meetings; regulations.
598. Resettlement of displaced families, individuals, and business concerns.  
     (a) Acquisition of land; condemnation expenses; bond.  
     (b) Acquisition provisions.  
     (c) Conveyance to State, public or private nonprofit body.

#### SUBCHAPTER IV—PARTICULAR WORK OR IMPROVEMENTS

601. Mississippi River; regulation of reservoirs at headwaters.
602. Maintenance of channel of South Pass of Mississippi River.
603. Repealed.
- 603a. Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters.
604. Removal of snags, etc., from Mississippi River.
605. Operation of snag boats on Upper Mississippi River.
606. Removal of snags, and so forth, from Ohio River.
607. Removal of drift from New York Harbor.
- 607a. Appropriations; separate project.
608. Construction of fishways.
609. Sluices and other work in dams for development of water power.
610. Control of aquatic plant growths.

#### SUBCHAPTER V—PROSECUTION OF WORK GENERALLY

621. By what methods river and harbor work may be authorized to be prosecuted.
622. Contracts, etc., with private industry for implementation of projects for improvements and dredging; reduction of federally owned fleet.  
     (a) Contracts for dredging and related work.  
     (b) Reduction of federally owned fleet.  
     (c) Program to increase use of private hopper dredges.
623. Repealed.
624. Limitation on improvement work by private contract.  
     (a) Determinations respecting comparison of private contract price with estimation of cost of performance of work by Government plant or by well-equipped contractor.  
     (b) Considerations involved in determinations of estimation of cost of performance of work by Government plant.  
     (c) Considerations involved in determinations of estimation of cost of performance of work by well-equipped contractor.
625. Repealed.
626. Prosecution of work when appropriation insufficient.
627. Application of appropriation when separate works are included therein.
628. Expenditure for dredging within harbor lines.
629. Contract for hire of dredging plant.

Sec.	
630.	Limitation on expenditure for purchase of dredges.
631.	Transfer of property between projects.
632.	Omitted.
633.	Protection, alteration, reconstruction, relocation, or replacement of structures and facilities; contract standards; reasonable costs.

#### SUBCHAPTER I—GENERAL PROVISIONS

##### **§ 540. Investigations and improvements; control by Department of the Army; wildlife conservation**

Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the Department of the Army under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, except as otherwise specifically provided by Act of Congress, which said investigations and improvements shall include a due regard for wildlife conservation.

(June 20, 1938, ch. 535, §1, 52 Stat. 802; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

#### PRIOR PROVISIONS

Acts Aug. 30, 1935, ch. 831, 49 Stat. 1028; Aug. 26, 1937, ch. 832, 50 Stat. 844, contained similar provisions.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### WATERWAY IMPROVEMENTS STUDY AND REPORT; AVAILABILITY OF DATA TO NATIONAL TRANSPORTATION POLICY COMMISSION

Pub. L. 94-587, §158, Oct. 22, 1976, 90 Stat. 2933, directed the Secretary of the Army, acting through the Chief of Engineers, to make a comprehensive study and report on the system of waterway improvements under his jurisdiction, including a review of emergency and defense requirements and an appraisal of additional improvements necessary to optimize the system and its intermodal characteristics, and to submit a report to Congress within three years after funds were first appropriated and made available for the study, together with his recommendations. The Secretary of the Army, acting through the Chief of Engineers, was to make available to the National Transportation Policy Study Commission established by section 154 of Public Law 94-280 [set out as a note under section 101 of Title 23, Highways], the information and other data developed as a result of the study.

#### REIMBURSEMENT OF STATES FOR WATER RESOURCES PROJECTS; STUDY

Pub. L. 89-298, title III, §314, Oct. 27, 1965, 79 Stat. 1096, authorized the Secretary of the Army, through the Chief of Engineers, to study the need for and feasibility of Federal reimbursement of certain public entities for their expenses incurred in connection with authorized projects for improvements of rivers, harbors, and certain other waterways, for various purposes, and to submit a report to Congress no later than Jan. 31, 1967, together with his recommendations in connection therewith.

#### CROSS REFERENCES

Flood control projects, supervision of, see section 701b of this title.

##### **§ 540a. Availability of appropriations for attendance by military personnel at meetings and for printing survey reports**

Appropriations in this title<sup>1</sup> or appropriations made in this title<sup>1</sup> in subsequent Energy and Water Development Appropriations Acts shall on and after October 2, 1992, be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress.

(Pub. L. 102-377, title I, Oct. 2, 1992, 106 Stat. 1325.)

#### REFERENCES IN TEXT

This title, referred to in text, is title I of Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1315. For complete classification of title I to the Code, see Tables.

##### **§ 541. Board of Engineers for Rivers and Harbors; establishment; duties and powers generally**

There shall be organized in the office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of seven engineer officers, a majority of whom shall be of rank not less than lieutenant colonel, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement prior to June 13, 1902, or thereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have, prior to June 13, 1902, been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of local-

<sup>1</sup> See References in Text note below.